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BOARD GOVERNANCE AND OPERATIONS

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1.1—LEGAL STATUS OF THE BOARD OF DIRECTORS

By the authority of Article 14 of the Arkansas Constitution, the General Assembly has provided that locally elected school boards will be responsible for the lawful operation and maintenance of its local schools.

While the Board has a broad range of powers and duties, its individual members only have authority when exercising their responsibilities in a legally convened meeting acting as a whole. The sole exception is when an individual member has been delegated authority to represent the Board for a specific, defined purpose. In matters such as personnel termination and grievances initiated by the superintendent, the Board serves as a finder of fact, not unlike a jury. For this reason, the board should not be involved in or, to the extent practicable, informed of the facts or allegations of such matters prior to a board hearing on those disciplinary matters in which the Board could become involved.

It is the policy of the Arkansas Correctional School District School Board that its actions will be taken with due regard for its legal responsibilities and in the belief that its actions shall be in the best interests of its students and the District as a whole.

Date Adopted: April 15, 2025
Last Revised:

1.2—BOARD ORGANIZATION

The Arkansas Board of Corrections/Arkansas Correctional School District Board of Education is comprised of seven (7) members appointed by the Governor for seven-year staggered terms.

Election of Officers
The Board shall elect a chair, vice chair, and secretary.

Date Adopted: April 15, 2025
Last Revised:

1.3—DUTIES OF THE CHAIR

The duties of the chair of the Board of Education shall include, but shall not be limited to:

1. Presiding at all meetings of the Board;
2. Calling special meetings of the Board;
3. Working with the Superintendent to develop Board meeting agendas;
4. Signing all official documents that require the signature of the chief officer of the Board of Education;
5. Appointing all committees of the Board and serving as ex-officio member of such committees; and
6. Performing such other duties as may be prescribed by law or action of the Board.

The chair shall have the same right as other members to offer resolutions, make or second motions, discuss questions, and to vote.

Date Adopted: April 15, 2025
Last Revised:

1.4—DUTIES OF THE VICE-CHAIR

The duties of the Vice Chair of the Board shall include:

1. Serving as presiding officer at all school board meetings from which the chair is absent; and
2. Performing such other duties as may be prescribed by action of the Board.

Date Adopted: April 15, 2025
Last Revised:

1.5—DUTIES OF THE SECRETARY

The duties of the Secretary of the Board shall include:

1. Being responsible to see that a full and accurate record of the proceedings of the Board are permanently kept and shall:
   a. Record in the minutes, the members present, by name, at the meeting including the time of any member's late arrival to, or early departure from, a meeting;
   b. Record the outcome of all votes taken including the time at which the vote is taken.
2. Serving as presiding officer in the absence of the Chair and the Vice Chair;
3. Being responsible for official correspondence of the Board;
4. Signing all official documents that require the signature of the Secretary of the Board of Education;
5. Calling special meetings of the Board; and
6. Performing such other duties as may be prescribed by the Board.

Date Adopted: April 15, 2025
Last Revised:

1.6—BOARD MEMBER VOTING

Establishment of a Quorum

A quorum of the Board is a majority of the membership of the Board. No vote or other board action may be taken unless there is a quorum present.

Voting and failure to vote

All Board members, including the Chair, shall vote on each motion, following a second and discussion of that motion.

Failure of any Board member to vote, while physically present in the meeting room, shall be counted as a "no" vote, i.e., a vote against the motion.

Only those votes taken by the Board in open session are legally binding. No motion made or vote taken in executive session is legally binding, although a non-binding, unofficial and non-recorded vote may be taken in executive session to establish consensus or further discussion.

Abstentions from Voting

In order for a Board member to abstain from voting, he must declare a conflict and remove himself from the meeting room during the vote. A Board member who removes himself/herself from a meeting during a vote due to a conflict of interest shall not be considered present at the meeting for the purpose of establishing a quorum until the member returns to the meeting after the vote.

Date Adopted: April 15, 2025
Last Revised:

1.7—POWERS AND DUTIES OF THE BOARD

The Arkansas Correctional School District Board of Education, operating in accordance with state and federal laws, assumes its responsibilities for the operation of Public Schools. The Board shall concern itself primarily with the broad questions of policy as it exercises its legislative and judicial duties. The administrative functions of the District are delegated to the Superintendent who shall be responsible for the effective administration and supervision of the District.

Some of the duties of the Board include:

1. Developing and adopting policies to effect the vision, mission, and direction of the District;
2. Understanding and abiding by the proper role of the Board of Directors through study and by obtaining the necessary training professional development;
3. Electing and employing a Superintendent and giving him/her the support needed to be able to effectively implement the Board's policies;
4. Conducting formal and informal evaluations of the Superintendent annually or no less often than prior to any contract extension;
5. Employing, upon recommendation of the administrative staff and by written contract, the staff necessary for the proper conduct of the schools;
6. Approving the selection of curriculum and seeing that all courses for study and educational content prescribed by the State Board or by law for all grades of schools are offered and taught;
7. Reviewing, adopting, and publishing the District's budget for the ensuing year;
8. Being responsible for providing sufficient facilities, grounds, and property and ensuring they are managed and maintained for the benefit of the district;
9. Monitoring District finances and receiving, reviewing, and approving each annual financial audit;
10. Understanding and overseeing District finances to ensure alignment with the District's academic and facility needs and goals;
11. Visiting schools and classrooms when students are present no less than annually;
12. Setting an annual salary schedule;
13. Being fiscally responsible to the District's patrons and maintaining the millage rate necessary to support the District's budget;
14. Involving the members of the community in the District's decisions to the fullest extent practicable; and
15. Striving to assure that all students are challenged and are given an equitable educational opportunity.

Date Adopted: April 15, 2025
Last Revised:

1.8—GOVERNANCE BY POLICY

The district shall operate within the legal frameworks of the State and Federal Constitutions; appropriate State and Federal statutes; State rules; Federal regulations; and court decisions. The legal frameworks governing the district shall be augmented by policies adopted by the District board of directors, which shall serve to further define the operations of the district.

When necessitated by unforeseen circumstances, the Superintendent shall have the power to decide and take appropriate action for an area not covered by the legal frameworks or a policy of the Board. The Superintendent shall inform the members of the Board of such action. The Board shall then consider whether it is necessary to formulate and adopt a policy to cover such circumstances.

The official copy of the policy manual for the District shall be kept in the Superintendent's office. Copies of the manual within the District shall be kept current, but if a discrepancy occurs between manuals, the Superintendent's version shall be regarded as authoritative.

Administrative regulations shall be formulated to implement the intentions of the policies of the Board. Regulations may be highly specific. The Board shall review administrative regulations prior to their implementation.

Date Adopted: April 15, 2025
Last Revised:

1.9—POLICY FORMULATION

The Board affirms through its policies and its policy adoption process, its belief that:

1. The schools belong to the people who create them by consent and support them by taxation;
2. The schools are only as strong as an informed citizenry and knowledgeable school staff allow them to be; and
3. The support is based on knowledge of, understanding about, and participation in the efforts of its public schools.

The following shall be the guidelines for policy adoption for the Arkansas Correctional School District.

General Policies

Policies that are not personnel policies may be recommended by:

- The Board or any member of the Board;
- The Superintendent, Assistant Superintendent, any other administrator or employee of the District;
- Committee appointed by the Board; or
- Any member of the public.

Policies adopted by the Board shall be within the legal framework of the State and Federal Constitutions; appropriate State and Federal statutes; State rules; Federal regulations; and court decisions.

Except for personnel policies, when reviewing a proposed policy, the Board may elect to adopt, amend, refer back to the person proposing the policy for further consideration, take it under advisement, reject it, or refuse to consider the proposal.

Licensed and Classified Personnel Policies

Personnel policies (including employee salary schedules) shall be created, amended, or deleted in accordance with State law:

(1) Board Proposals:

The Board may adopt a proposed personnel policy by a majority vote. Such policies may be proposed to the Board by a Board member or the Superintendent. The Board may choose to adopt the proposal, as a proposal only, by majority vote.

Following the adoption of a proposed personnel policy, the proposal must be presented to the appropriate Personnel Policy Committee (PPC). Such presentation shall be in writing, to all members of the Committee.

When the PPC has possessed the proposed personnel policy for a minimum of ten (10) working days from the date the PPC received the proposed policy (i.e., ten (10) workdays, not including weekends or state or national holidays), the Chairman of the PPC, or the Chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board to address the proposed policy. Following the presentation, the Board may vote at the same meeting at which the proposal is made, or, in any case, no later than the next regular Board meeting to:

a. Adopt the Board's original proposed policy as a policy;
b. Adopt the PPC's counter proposed policy as a policy; or
c. Refer the PPC's counter proposed policy back to the PPC for further study and revision. Any such referral is subject to the same adoption process as a proposed policy originating from the board.

(2) Personnel Policies Committee Proposals:

Either PPC may recommend changes in personnel policies to the Board. When making such a proposal, the Chairman of the PPC, or the Chairman's designee, shall be placed on the Board of Directors' meeting agenda to make an oral presentation to the Board.

The Board may vote on the proposed policy at the same meeting at which the proposal is made, or, in any case, no later than the next regular Board meeting. In voting on a proposed policy from the PPC, the Board may:

a. Adopt the proposal;
b. Reject the proposal; or
c. Refer the proposal back to the Personnel Policies Committee for further study and revision.

A copy of all personnel policies shall be signed by the president of the Board of Directors and kept in a central records location.

All personnel policies must be sent to the PPC for the minimum ten (10) days regardless of the intended effective date of the policy.

Effective date of policy changes

All personnel policy changes enacted during one fiscal year will become effective on the first day of the following fiscal year, July 1. This specifically includes any changes made between May 1 and June 30 to ensure compliance with state or federal laws; state rules; federal regulations; or the Division of Elementary and Secondary Education Commissioner's Memos. In addition, changes to policies to maintain compliance with state or federal laws; state rules; federal regulations; or Commissioner's Memos that are after June 30 but are adopted within ninety (90) days from the effective date of the legal change that created the need for the policy adoption shall become effective on the final date of adoption.

Changes made to licensed personnel policies between May 1 and June 30 that are **not** made to ensure compliance with state or federal laws; state rules; or federal regulations will take effect on

July 1 of the same calendar year provided no later than five (5) working days after final board action, a notice of the change is sent to each affected employee by first class mail to the address on record in the personnel file. The notice of the change must include:

a. The new or modified policy or policies provided in a form that clearly shows the additions underlined and the deletions stricken;
b. A statement that due to the change(s), the employee has the power to unilaterally rescind his/her contract for a period of thirty (30) days after the school board took final action on the policy (policies). The rescission must be in the form of a letter of resignation within the thirty (30) day period.

Except for policy changes to ensure compliance with changes in the law that are adopted within the ninety (90) day window, for a policy change to be made effective prior to July 1 of the following fiscal year, a vote must be taken of the appropriate PPC. If the affected PPC approves the earlier effective date by a majority vote, the policy becomes effective as of the date of the vote, unless otherwise specified by the Board in requesting such vote. No PPC vote taken prior to final board action will be considered effective to make a policy change.

All non-personnel policy changes may become effective upon the Board's approval of the change, unless the Board specifies a different date.

Date Adopted: April 15, 2025
Last Revised:

1.10—ASSOCIATION MEMBERSHIPS

The Board shall be a member of the Arkansas School Boards Association and may be a member of other organizations which, in the opinion of the Board, will be beneficial to the Board in carrying out its duties more effectively.

Date Adopted: April 15, 2025
Last Revised:

1.13—SUPERINTENDENT / BOARD RELATIONSHIP

The Board's primary responsibility is to develop, working collaboratively with the community, a vision and mission for the District. The Board formulates and adopts policies to achieve that vision and elects a Superintendent to implement its policies. The Board and the Superintendent and the relationship between them set the tone for the district to follow. The relationship is enhanced when both parties understand their roles and carry them out in an ethical and professional manner working to develop a relationship of mutual trust and respect.

The Superintendent and staff are responsible for administering the Board's policies and will be held responsible for the effective administration and supervision of the District. The Superintendent is authorized to develop and implement administrative regulations to fulfill the Board's policies, provided such regulations are consistent with the intent of the Board's policies.

Date Adopted: April 15, 2025
Last Revised:

1.15—TORT IMMUNITY

The District, as well as its agents, officers, employees, and volunteers are immune from liability for negligence, pursuant to A.C.A. § 21-9-301. When allegations of negligence are raised, whether in litigation or not, the statutory grant of immunity will be asserted.

Date Adopted: April 15, 2025
Last Revised:

1.17—NEPOTISM

DEFINITIONS

"Administrator" means a superintendent; assistant superintendent or equivalent; district treasurer; business manager; principal; assistant principal; curriculum director; or other individual directly responsible for district-wide purchasing.

"Commissioner" means the Commissioner of Elementary and Secondary Education.

"Family or family member" means:

a. An individual's spouse;
b. Children of the individual or children of the individual's spouse;
c. The spouse of a child of the individual or the spouse of a child of the individual's spouse;
d. Parents of the individual or parents of the individual's spouse;
e. Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
f. Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
g. Anyone acting or serving as an agent of the individual or acting or serving as an agent of the individual's spouse.

"Initially employed" means:

A. Employed in either an interim or permanent position for the first time or following a severance in employment with the school district; or
B. A change in the terms and conditions of an existing contract excluding movement of an employee on the salary schedule that does not require board action.

NEW HIRE OF SCHOOL BOARD MEMBER'S RELATIVE AS SCHOOL EMPLOYEE

The district shall not initially employ a present board member's family member for compensation in excess of five thousand dollars ($5,000) unless the district has received approval from the Commissioner. The employment of a present board member's family member shall only be made in unusual and limited circumstances. The authority to make the determination of what qualifies as "unusual and limited circumstances" rests with the Commissioner whose approval is required before the employment contract is effective, valid, or enforceable.

Initial employment for a sum of less than five thousand dollars ($5,000) per employment contract or, in the absence of an employment contract, calendar year does not come under the purview of this policy and is permitted.

The board member whose family member is proposed for an employment contract, regardless of the dollar amount of the contract, shall leave the meeting until the voting on the issue is concluded and the absent member shall not be counted as having voted.

EXISTING EMPLOYEES WHO ARE FAMILY MEMBERS OF SCHOOL BOARD MEMBERS—RAISES, PROMOTIONS OR CHANGES IN COMPENSATION

Any change in the terms or conditions of an employment contract including length of contract, a promotion, or a change in the employment status of a present board member's family member that would result in an increase in compensation of more than two thousand five hundred dollars ($2,500), and that is not part of a state mandated salary increase for the employee in question, must be approved by the Commissioner before such changes in the employment status is effective, valid, or enforceable.

Administrator Employment by Third Party

District administrators must receive written authorization from both the Board of Directors and the Commissioner of Elementary and Secondary Education before a district administrator may become the employee, agent, or independent contractor of any party that contracts with the district.

Date Adopted: April 15, 2025
Last Revised: June 10, 2025

1.18—DISTRICT AUDITS

The District's annual audit serves as an important opportunity for the Board of Directors to review the fiscal operations and health of the district. As such, it is vital Board members receive sufficient explanation of each audit report to enable the members to understand the report's findings and help them better understand the District's fiscal operations.

The District shall have an audit conducted annually within the timelines prescribed by law. The audit shall be conducted by Arkansas Legislative Audit or through the audit services of a private certified public accountant(s) approved by the Board.

The Board of Directors shall review each annual audit at the first regularly scheduled board meeting following the receipt of the audit if the District received the audit prior to ten (10) days before the regularly scheduled meeting. If the audit report is received less than ten (10) days prior to a regularly scheduled board meeting, the board may review the report at the next regularly scheduled board meeting following the ten (10) day period.

The Superintendent shall present sufficient supporting/background information relating to the report's findings and recommendations which will enable the Board of Directors to direct the Superintendent to take appropriate action in the form of a motion or motions relating to each finding and recommendation contained in the audit report. Actions to be taken will be in sufficient detail to enable the Board of Directors to monitor the District's progress in addressing substantial findings and recommendations and subsequently determine that they have been corrected. The minutes of the Board's meeting shall document the review of the audit's findings and recommendations along with any motions made by the Board or actions directed to be taken by the Superintendent or designee.

The Board of Directors is responsible for presenting the audit's findings each year to the public.

Date Adopted: April 15, 2025
Last Revised:

1.20—DUTIES OF THE LEGISLATIVE LIAISON

The Board of Directors recognizes the needs of the District require the Board to take an active role in the legislative process as it relates to legislation affecting this district and public education in general. To aid the Board in this endeavor, the Board shall elect one of its members to hold the office of Legislative Liaison. The duties of the legislative liaison are to:

- Be the primary contact person for legislative updates from the Arkansas School Boards Association (ASBA);
- Keep the other members of the Board up to date on legislative issues;
- Make arrangements for the legislators whose representation zones cover the District to be contacted by either the liaison him/herself or by another board member on pending issues that would impact the District.

Date Adopted: April 15, 2025
Last Revised:

1.22—RECORDING OF BOARD MEETINGS

The District shall record all meetings of the District's Board of Directors, including subcommittee meetings, except as follows:

- Executive sessions of the Board of Directors; and

The District shall retain meeting recordings for one (1) year.

Date Adopted: April 15, 2025
Last Revised:

1.24—BOARD REPRESENTATIVE ON EDUCATION SERVICE COOPERATIVE BOARD OF DIRECTORS

The Arkansas Correctional School District Board of Directors shall adopt a resolution to appoint an individual as the Board's representative on the Arkansas River Education Service Cooperative Board of Directors during a legally held meeting of the Board that is signed by both the Board president and secretary.

The individual selected to represent the Board on the Arkansas River Education Service Cooperative Board of Directors shall fall under one (1) of the following:

- The District superintendent;
- An employee of the District;
- A member of the District's Board; or
- A member of the District community who resides within the boundaries of the District.

A copy of the resolution shall be forwarded to the director of the Arkansas River Education Service Cooperative:

- By June 30 of each year; and
- As soon as possible after the Board selects a representative to fill a vacancy.

The appointment as the Board's representative on the Arkansas River Education Service Cooperative shall be for a two (2) year term. An individual shall hold over until the individual's successor is appointed. The Board may appoint the same individual for subsequent terms.

Date Adopted: April 15, 2025
Last Revised: